

RECEIVED
FEC MAIL ROOM

2001 APR 11 P 2:26 April 10, 2001

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 11 2 54 PM '01

Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 5184

Ladies and Gentlemen:

Enclosed is a copy of a letter written to Mr. Trevor Potter, Wiley, Rein & Fielding (copy of which was forwarded to Ms. Lois G. Lerner, Acting General Counsel at the FEC) on March 26, 2001. This letter fully outlines our response to McCain Committee 2000's complaint sent to the Federal Elections Commission on or about March 20, 2001.

Subsequent to receipt of this letter, I have been in contact with Mr. Potter and his associates who represent the McCain Committee. All parties are fully cooperating in trying to resolve the Committee's issues. However, this process is taking more time than anticipated to resolve. Thus, via this letter, we request an additional fifteen (15) days, in which to form a response to the Commission regarding items cited in the complaint.

We feel certain the additional time will allow us to meet a mutually agreeable settlement in this matter. **Please advise me at the address below, by letter or phone, if there are problems in granting this extension of time to answer the McCain 2000 complaint.**

Sincerely,



Eilene M. ("Dodee") Black
President and Chief Operating Officer

Enclosures: As Stated

Cc: Mssrs. Trevor Potter & Kirk Jowers, Wiley, Rein & Fielding
Lawrence Miller, Grossberg, Yochelson, Fox & Beyda, LLP
Hugh C. Cregger, Jr., Registered Agent for Atlantic List Co., Inc.
Jeff S. Jordan, Federal Elections Commission
Lois G. Lerner, Federal Elections Commission
Allen Haywood, McCain 2000 Committee



ATLANTIC LIST COMPANY, INC.

2425 Wilson Blvd., Suite 500 • Arlington, VA 22201-3385 • (703) 528-7482 / Fax (703) 528-7492

5781-504-10-12

COPY

March 26, 2001

Trevor Potter, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Potter:

Subsequent to receipt of your letter of 3/20/01, I have been unsuccessful in reaching you. I am sorry not to have heard from you by phone since perhaps we could have solved the issue quickly. However, I can assure you, and the Federal Election Commission, we do not take this matter lightly. It is my hope that the concerns you have expressed to us and the FEC are based on some kind of confusion and not Atlantic List Company's negligence regarding Federal election regulations.

John Whitehead is the individual in charge of list acquisition for the donor files you specified in your letter. He has been in the business of acquiring donor files from political sources at the state and local level since 1972. Mr. Whitehead has been employed as a consultant to Atlantic List Company since 1988. He is responsible for the acquisition, updating of information, and marketing for our "Great American Donor Files," a Republican donor database, among other duties. As a professional in the donor acquisition business, Mr. Whitehead is acutely aware of rules and regulations regarding use of Federal election records. In fact, in past years, he and I both have been relied upon by the FEC, state, federal, state and local authorities and by our list industry to be expert witnesses about the list acquisition process, especially in regard to government rules and regulations regarding this process. So I assure you and your associates that in no case has Mr. Whitehead or Atlantic List Company ever knowingly acquired, maintained, or leased donors' records to other marketers which contain Federal data as their source.

Since you did not provide specific names of the "unique" individuals involved in this complaint, we cannot ascertain if and how these names appeared on our files. However, if you would share the names of the individuals you claim are "unique" to the Federal records (blacked out on your attachments delivered with your letter) I can try to find if and how the names appear on our files and the sources from which they came. Since we assign a code to each and every name on our files, it should be easy to do this.



ATLANTIC LIST COMPANY, INC.

2425 Wilson Blvd., Suite 500 • Arlington, VA 22201 • (703) 528-7482 / Fax (703) 528-7492

2001-04-05 15:46

21-04-405-1847

However, in lieu of having access to your "unique" records, I would like to offer a different theory about how these names continue to appear on rental segments of our donor file. From April 2000 through February of this year, Atlantic List Company has received and processed ninety-four orders on behalf of the McCain 2000 Committee. Forty-six (46) of these orders were for list orders from our Great American Donor file (over 480,000 names) and specifically from the marketing segments designated as "Country Club Republicans" or "Republican Businessmen who Contribute." Since these 46 orders included mostly high-dollar names (\$1000+ donors) is it possible the individuals in question may have donated to Senator McCain's efforts in response to receiving one of these mailings? Unless these names are "decoys" according to the FEC's "Stewart Rule for Over-Reporting," it seems a distinct possibility some or all of these names may be on our files and we are entirely within our rights to have and lease them as we did for the McCain 2000 Committee purposes.

Mr. Potter, until we can compare our records and match the "unique" donors' name you question, we cannot proceed further. If there is a misuse of names on our part, we want to quickly correct the situation. I will be waiting to hear from you in the hopes we can quickly resolve your concerns.

Sincerely,



Eilene M. (Dodee) Black
President and Chief Operating Officer

Cc: Lois G. Lerner, Esq., Federal Election Commission
Allen Haywood, Comptroller/Asst. Treas./McCain 2000 Committee
John Whitehead
Larry Miller, Esq.